



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

November 15, 2007

9:00 AM

Key Largo Marriott Beach Resort
The Key Largo Conference Center
103800 Overseas Highway
Key Largo, FL 33037

Members Present:

Eric Buermann, Chair
Shannon Estenoz

Michael Collins
Nicolás Gutiérrez, Vice-Chair

Charles Dauray
Melissa Meeker

Patrick Rooney

Harkley Thornton

Malcolm Wade

1. **Call to Order** - Eric Buermann, Chairman, Governing Board

Vice Chair Gutiérrez called the meeting to order at 9:15 am.

Note: Chairman Buermann was present via teleconference until 12:00 pm.

2. **Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board

Melissa Meeker lead the group in the Pledge of Allegiance.

3. **Agenda Addendum**

Annette Carter, Director, Governing Board & Executive Services, read into the record the agenda addendum. Copies were made available to the public.

4. **Abstentions by Board Members from items on the Agenda**

Ms. Meeker abstained from Regulatory Consent Agenda Item 8, Page 9, #1, Harborage Marina Projects, Application #070212-5.

Mr. Wade abstained from Regulatory Consent Agenda Item 8, Page 14, #2, East Shore Water Control District in Palm Beach County, Application #070613-10; Regulatory Consent Agenda Item 8 Page 16, #12, South Shore Drainage District in Palm Beach County, Application # 070614-1; Consent Agenda Item 13, EAA EPD agreement for STA Optimization and S-4 Basin Diversion Feasibility Study; Discussion Agenda Item 34, Page 4/5 of Addendum, Brighton Agricultural; permit modification #070907-14.

Consent Agenda

5. Public Comment on Consent Agenda

- A.** Marilyn Tempest, Vice-Mayor, City of Marathon
- B.** Clyde Burnett, Mayor, City of Key Colony Beach
- C.** J. Robert Dean, Chairman, Mary Rice, Board Member, and Jim Reynolds, Executive Director, Florida Keys Aqueduct Authority
- D.** Jim Scholl, City Manager, City of Key West
- E.** Liz Wood, Sewer Projects Administrator, Monroe County
- F.** David Ritz, President, North Key Largo Utility, Inc.

Mr. Collins introduced and welcomed the local official representatives.

Congressman Ron Saunders welcomed the Board to Key Largo and thanked the District for their partnership with the local government agencies regarding wastewater and Everglades issues.

David Ritz, President, North Key Largo Utility, thanked the Governing Board for their efforts in the protection of Ocean Reef.

Mary Rice, Florida Keys Aqueduct Authority (FKAA), commented on alternative water supplies and the FKAA desalinization plant. She thanked the Board for funding support on the alternative water supply projects.

Jim Scholl, City Manager, City of Key West, thanked the Board for their continued relationship with the District and the City of Key West.

Marilyn Tempest, Vice Mayor, City of Marathon, thanked the Board for funding on alternative water supplies.

Clyde Burnett, Mayor, City of Key Colony Beach, thanked the Board for supporting Key Colony Beach.

Carol Ann Sharkey, Chair, Key West Tropical Forest, thanked the Board for their partnership regarding the Key West Tropical Forest.

Sue Hammicker, Key Largo Wastewater District commented on public outreach and thanked the District for their support.

Liz Wood, Monroe County, thanked the Governing Board for funding support to Monroe County.

Ron Miller, UKCA, provided comment on the algae blooms and the turbidity of the water in Florida Bay.

Mr. Collins said there is research being done regarding algae blooms.

Mr. Collins thanked Cecelia Weaver for her dedication to the District and the Florida Keys issues.

Public Comment: Captain Ed Davidson representing the Florida Keys Citizens Coalition, provided comment on the Lower East Coast Water Supply Plans and Florida Bay.

Public Comment: Paul Neumeister, representing Safety & Equipment, provided comment on the OSHA outreach programs and his construction firm (Agenda Item 29).

Mr. Olliff said staff can meet with the prime contractor and Mr. Neumeister (sub contractor) to work out issues discussed at the meeting.

Public Comment: Norman Hughes, representing the Education Center of Southwest Florida, provided comment on the workforce training in Southwest Florida and requested continuation of this training.

6. Pull Items for Discussion from Governing Board Meeting Agenda

Mr. Dauray pulled Regulatory Consent Agenda Item 8, Page 3, #7, Parklands Collier, Application Number 061221-5; Regulatory Consent Agenda Item 8, Page 3 #8, Parklands Collier, Application 060522-3. Mr. Buermann also requested these two permits be pulled for discussion.

Ms. Meeker pulled Agenda Item 28 and Item 29 from the Consent Agenda to the Discussion Agenda (see Agenda Item 63).

7. Board Comment on Consent Agenda

Vice Chair Gutiérrez announced that a media table was set up in the back of the room for any media present at the Board meeting.

Water Resources

8. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Everglades Works of the District Permit Applications

Denials

Consent Agreements

Conservation Easements

Environmental Resource Permit Extensions

Enforcement Actions

Page 1 No 2 WS McJunkin (WU): **Postponed**

Page 5 No 1 C and B Farms (ERP): **Postponed** to December Board

Page 5 No 2 Church Road Borrow Pit (WU): **Postponed**

Page 12 No 1 Buena Vista Shores/Palazzo del Lago (ERP): **Postponed** to December Board

Page 14 No 3 Hunters Run Golf Course (WU): **Postponed** to January Board

Page 15 No 8 PB County Water Utilities WTP 10 (FRM Royal Palm Beach PWS) (WU): **Postponed**

Page 16 No 11 Seminole Water Treatment Plant (WU): **Postponed** to December Board

Page 20 No 1 Abercia South (WU Denial): **Withdrawn**

Page 25 No 2 Congress Middle School Modernization (Boca Raton) (WU Denial): **Withdrawn**

Page 25 No 3 Mc Curdy Center (WU Denial): **Removed** from agenda

Page 25 No 4 Mc Curdy Center (WU Denial): **Removed** from agenda

Page 26 No 1 Airport Rescue and Fire Fighting Facility (WU Denial): **Withdrawn**

Page 27 No 6 May Grove (WU Denial): **Removed** from agenda

Page 27 No 8 Wal-Mart Store Number 4541-00M Turnpike Site (WU Denial): **Removed** from agenda

Page 31 No 1 Mirage at Ocala Corporate Center (Conservation Easement): **Postponed** to December Board

9. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

Consent Agreements

10. Enter Final Orders Concurring with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Lower East Coast, Lake Okeechobee Service Area, Upper East Coast and Lower West Coast (Terrie Bates, ext. 6952)

11. Enter Final Orders Denying Applications for Variances from Water Shortage Restrictions Imposed within the Lower East Coast, Lake Okeechobee Service Area, Upper East Coast and Lower West Coast (Terrie Bates, ext. 6952)

12. 2007-1100 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Partnership Agreement with Lee County for the purpose of designating Lee County as the lead management entity for public recreation and the conservation, protection, management, and enhancement of natural resources on District property comprising 47 acres, more or less, within the Caloosahatchee Creeks Preserve Area; providing an effective date (Contract Number 4600001055) (Damon Meiers, Ext. 6876)

13. 2007-1101 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost agreement with the Everglades Agricultural Area Environmental Protection District for Stormwater Treatment Areas Optimization and S-4 Basin Diversion Feasibility Study, in the amount of \$850,000, of which the District's total contribution is \$525,000, for which dedicated funds (Everglades Restoration Trust Fund) are budgeted; providing an effective date.(Contract Number 4600001111) (Deborah Drum, ext. 6392)

Everglades Restoration Resources

14. 2007-1102 A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for Releases of District Canal, Mineral and Road Reservations, Releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) Canal Reservations, and Issuance of Non-Use Commitments; providing an effective date. (Vinola Rada, x6836)

16. **2007-1104** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a second amendment to the C-44 Settlement and Acquisition Agreement with Running W Citrus Limited Partnership to modify the use and occupancy reservation on District Tract JE100-065 in Martin County to extend the reservation period to June 30, 2011, and to require Running W Citrus Limited Partnership to make permanent improvements, at no cost to the District, in exchange for the South Florida Water Management District granting a license to Running W Citrus Limited Partnership to Harvest Oranges from approximately 10,459 acres of District-owned lands in Hendry County, Florida within the C-43 Reservoir Project; providing an effective date. (Barbara Katz, x6837)

Executive Office

17. **2007-1105** A Resolution of the Governing Board of The South Florida Water Management District authorizing a Stipulation for Order of Taking and Final Judgment for \$400,000.00, plus \$28,710.00 for statutory attorneys fees, and \$13,417.00 for costs and expert fees, for which ad valorem funds (Capital Projects Okeechobee) are budgeted, for a condemnation action involving approximately 2.43 acres (Tract No. B7-100-102 Roosevelt Graham), within the C-111/L-31N canal project, styled South Florida Water Management District v. Jose Campos, et al., filed In the 11th Circuit Court for Miami-Dade County, Florida, Case No. 07-27331 CA 11; providing an effective date. (Ed Artau, Ext. 6431)
18. **2007-1106** A Resolution of the Governing Board of The South Florida Water Management District authorizing a Stipulation for Order of Taking and Final Judgment for \$205,000.00, plus \$13,860.00 for statutory attorneys fees, for which ad valorem funds (Capital Projects Okeechobee) are budgeted, for a condemnation action involving approximately 2.5 acres (Tract No. B7-100-085 Sahir Imam and Atiya Imam), within the C-111/L-31N canal project, styled South Florida Water Management District v. Jose Campos, et al., filed In the 11th Circuit Court for Miami-Dade County, Florida, Case No. 07-27331 CA 11; providing an effective date. (Ed Artau, Ext. 6431)
19. **2007-1107** A Resolution of the Governing Board of The South Florida Water Management District authorizing a Stipulation for Order of Taking and Final Judgment for \$200,000.00, plus \$13,860.00 for statutory attorneys fees, for which ad valorem funds (Capital Projects Okeechobee) are budgeted, for a condemnation action involving approximately 2.5 acres (Tract No. B7-100-080 Rigoberto Daly and Janciana Daly), within the C-111/L-31N canal project, styled South Florida Water Management District v. Jose Campos, et al., filed In the 11th Circuit Court for Miami-Dade County, Florida, Case No. 07-27331 CA 11; providing an effective date. (Ed Artau, Ext. 6431)
20. **2007-1108** A Resolution of the Governing Board of The South Florida Water Management District authorizing a Stipulation for Order of Taking and Final Judgment for \$300,000.00, plus \$22,440.00 for statutory attorneys fees, for which ad valorem funds (Capital Projects Okeechobee) are budgeted, for a condemnation action involving approximately 2.19 acres (Tract No. B7-100-258 Rashid T. Chaudhry), within the C-111/L-31N Canal Project, styled South Florida Water Management District v. Jose Campos, et al., filed In the 11th Circuit Court for Miami-Dade County, Florida, Case No. 07-27331 CA 11; providing an effective date. (Ed Artau, Ext. 6431)

21. **2007-1109** A Resolution of the Governing Board of The South Florida Water Management District authorizing a Stipulation for Order of Taking and Final Judgment for \$205,000.00, plus \$15,510.00 for statutory attorneys fees, for which ad valorem funds (Capital Projects Okeechobee) are budgeted, for a condemnation action involving approximately 2.5 acres (Tract No. B7-100-088 Gladys I. Valella), within the C-111/L-31N canal project, styled South Florida Water Management District v. Jose Campos, et al., filed In the 11th Circuit Court for Miami-Dade County, Florida, Case No. 07-27331 CA 11; providing an effective date. (Ed Artau, Ext. 6431)
22. **2007-1110** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 4600000816 with Akerman Senterfitt for legal services in the amount of \$155,000.00 for a total of \$215,000.00 for which ad valorem funds-Okeechobee Capital Projects are budgeted, with no change in terms, providing an effective date. (Keith Williams, x2791)
23. **2007-1111** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the City of Key Colony Beach for construction of deep injection wells in the total amount of \$1,000,000, of which the District's total contribution is \$500,000, which is budgeted, and authorize a budget transfer from managerial reserves (ad valorem funds) in the Operations and Maintenance Program to the Coastal Watersheds Program; providing an effective date. (Contract Number 4600001128) (Cecelia Weaver, ext. 7091)
24. **2007-1112** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the Florida Keys Aqueduct Authority for construction of surface water improvements in the total amount of \$1,000,000, of which the District's total contribution is \$500,000 which is budgeted, and authorize a budget transfer from managerial reserves (ad valorem funds) in the Operations and Maintenance Program to the Coastal Watersheds Program; providing an effective date. (Contract Number 4600001131) (Cecelia Weaver, ext. 7091)
25. **2007-1113** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the City of Marathon for construction of the stormwater management system for service area number four in the total amount of \$9,192,583, of which the District's total contribution is \$600,534 which is budgeted, and authorize a budget transfer from managerial reserves (ad valorem funds) in the Operations and Maintenance Program to the Coastal Watersheds Program; providing an effective date. (Contract Number 4600001117) (Cecelia Weaver, ext. 7091)

- 26. 2007-1114** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the City of Key West for stormwater outfall reduction and treatment in the total amount of \$1,212,500, of which the District's total contribution is \$400,000 which is budgeted, and authorize a budget transfer from managerial reserves (ad valorem funds) in the Operations and Maintenance Program to the Coastal Watersheds Program; providing an effective date. (Contract Number 4600001129) (Cecelia Weaver, ext. 7091)
- 27. 2007-1115** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with Monroe County for construction of a stormwater management system on Big Pine Key in the total amount of \$1,000,000, of which the District's total contribution is \$500,000 which is budgeted, and authorize a budget transfer from managerial reserves (ad valorem funds) in the Operations and Maintenance Program to the Coastal Watersheds Program; providing an effective date. (Contract Number 4600001136) (Cecelia Weaver, ext. 7091)

Corporate Resources

- 30. 2007-1118** A Resolution of the Governing Board of the South Florida Water Management authorizing a purchase order with Symantec Corporation for the annual renewal of Veritas software maintenance and upgrades, for the time period December 1, 2007 to November 30, 2008, in the amount of \$200,000 for which ad valorem (\$182,414) and dedicated (CERP - \$17,586) funds are budgeted; providing an effective date. (Purchase Requisition Number 10035256) (Sandra Turnquest, ext. 6351)
- 31. 2007-1119** A Resolution of the Governing Board of the South Florida Water Management to amend purchase order 4500008299 with Kevin F. Donoghue & Associates, Inc., for independent insurance advice and guidance as it relates to the Districts construction projects and contract negotiations, authorize a waiver of competition as an exception to the general standards of competition, and extend the term by 2 years for the time period of November 15, 2007 to September 30, 2009, in the amount of \$200,000 for which \$125,000 of dedicated funds (Comprehensive Everglades Restoration Plan Fund) are budgeted in FY08 and the remainder is subject to Governing Board approval of the FY09 budget; providing an effective date. (Purchase Order 4500008299) (Carrie Hill, Ext 2506)

Operations and Maintenance

- 32. 2007-1120** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000786 with the Miami River Commission for FY08 Operational and Non-Recurring Project Support, to extend the term by 12 months, from November 16, 2007 to November 16, 2008, in the amount of \$250,000 for which ad valorem funds are budgeted; providing an effective date (Contract Number 3600000786-A06) (Evan Skornick, ext.7290)
- 33. Board Vote on Consent Agenda**

Vice Chair Gutiérrez said the vote is for Agenda Items 8-32 excluding Item 8, Page 3, #7 (Parklands Collier WU application 061221-5); Item 8, Page 3, #8 (Parklands Collier ERP application 060522-3), Items 15, 28, and 29.

Ms. Meeker abstained from Regulatory Consent Agenda Item 8, Page 9, #1, Harborage Marina Projects, Application #070212-5.

Mr. Wade abstained from Regulatory Consent Agenda Item 8, Page 14, #2, East Shore Water Control District in Palm Beach County, Application #070613-10; Regulatory Consent Agenda Item 8 Page 16, #12, South Shore Drainage District in Palm Beach County, Application # 070614-1; Consent Agenda Item 13, EAA EPD agreement for STA Optimization and S-4 Basin Diversion Feasibility Study;

Motion made by Harkley Thornton, seconded by Shannon Estenoz to Approve the following item(s): 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32

Vote called. Voting yes: Harkley Thornton, Shannon Estenoz, Eric Buermann, Michael Collins, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Malcolm Wade. Motion passed.

Discussion Agenda

Water Resources

- 34.** Water Shortage Emergency Update & Action Items including, but not limited to, modifying restrictions in areas presently under water shortage restrictions, if necessary, additional water shortage declarations, contracts and / or any other necessary actions to address the water shortage conditions (Terrie Bates, ext. 6952)

Approve Water Use Permit Application Modification Number 070907-14 for Brighton Agricultural Project (Lykes Brothers, Inc.) to add emergency/backup withdrawal facilities with no change in allocation (Glades County) (Terrie Bates, ext 6952)

Terrie Bates, Assistant Deputy Executive Director, presented information on this agenda item.

Public Comment: John Fumero, representing the City of Ft. Lauderdale, read into the record a letter from the City of Ft. Lauderdale Public Works Director.

Public Comment: Julie Hill, representing Audubon of Florida, commented on water conservation and stated support for year round water conservation.

Public Comment: Thomas Miller, representing Palm Beach County Water Utility, commented on alternative water supplies and water lost to tide.

Ms. Estenoz commented on the L-8 project and water going to tide. She requested there be a planning discussion on the best use of that water.

Motion made by Shannon Estenoz, seconded by Melissa Meeker to Approve the following item(s): 34

Vote called. Voting yes: Shannon Estenoz, Melissa Meeker, Eric Buermann, Michael Collins, Charles Dauray, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton. Abstained: Malcolm Wade. Motion passed.

- 35. 2007-1121** A Resolution of the Governing Board of the South Florida Water Management District to authorize submittal of the proposed 2008 minimum flows and levels annual priority list and schedule to the Department of Environmental Protection for review and approval pursuant to Section 373.042(2), Florida Statutes; providing an effective date. (Chip Merriam, ext. 6597)

Terrie Bates, Assistant Deputy Executive Director, presented information on this agenda item. Ms. Bates reported on the Regional water availability rule and the three-step process for the MFL development. Ms. Bates reported on the 2009 Work Plan.

Ms. Meeker provided comment on the Loxahatchee River watershed recovery plan.

Mr. Collins provided comment on the MFLs and the restoration of the Loxahatchee River watershed.

Public Comment: Patrick Hayes, representing the Loxahatchee River Coalition, commented on MFLs, reservations, water supply and consumptive use permits.

Public Comment: Captain Ed Davidson, commented on market value land and market value water rights.

Motion made by Melissa Meeker, seconded by Shannon Estenoz to Approve the following item(s): 35

Vote called. Voting yes: Melissa Meeker, Shannon Estenoz, Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 36.** Approve Water Use Permit Application 040511-5 for Miami-Dade Water and Sewer Department (Chip Merriam, ext. 6597).

Chip Merriam, Deputy Executive Director, presented information on the Miami-Dade County Water & Sewer Department Consumptive Use Permit renewal and modification.

Mr. Merriam provided background and significant events pertaining to Miami Dade's consumptive use permit. Mr. Merriam reported on the summary of the permit application, the project evaluation, the key elements of the proposed permit and the limiting conditions of the consumptive use permit.

Vice Chair Gutiérrez praised staff for their hard work on this permit.

Mr. Merriam recognized Karin Smith for her hard work on this water use permit.

Mr. Buermann complimented staff for their professionalism and thanked the Miami-Dade's staff for their cooperation during this process.

Janet Llewellyn, Florida DEP, thanked the Board, District staff and Miami-Dade County for working together on the conditions of this permit. Ms. Llewellyn reported on the importance of reuse in the State.

Mayor Carlos Alvarez, Miami, thanked the Board and staff for their hard work on this permit and said he looks forward to a continued partnership with the District.

County Commissioner Nathasa Seijes, thanked the Governing Board for the partnership between the District and Miami Dade County.

Public Comment: Truly Burton, representing Builders Association of South Florida, commented on water reuse and increasing water conservation measures.

Public Comment: Julie Hill representing Audubon of Florida, commented on water conservation measures and stated she looks forward to the Water Summit.

Public Comment: Marcy LaHart, representing Everglades Foundation, said they are very happy about this permit. Ms. LaHart spoke on the water availability rule.

Motion made by Eric Buermann, seconded by Shannon Estenoz to Approve the following item(s): 36

Vote called. Voting yes: Eric Buermann, Shannon Estenoz, Michael Collins, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 37.** Approve Environmental Resource Permit Modification Application 070330-35 for the implementation of the Permit Criteria and Best Management Practices Manual for Works in the Village of Wellington and for the authorization for construction and operation of Pump Station 7 for a project known as Acme Improvement District Basin B Long Range Plan (Palm Beach County) (Robert M. Brown, ext 6283)

Robert Brown, Director, Environmental Resource Regulation, presented information on this agenda item.

Mr. Brown reported on the project features and the long-range plan for the Acme Basin B Project.

Motion made by Michael Collins, seconded by Patrick Rooney to Approve the following item(s): 37

Vote called. Voting yes: Michael Collins, Patrick Rooney, Eric Buermann, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Melissa Meeker, Harkley Thornton, Malcolm Wade. Motion passed.

- 38. CERP Coordination** - Approve Environmental Resource Permit Application 070605-24 to authorize construction of a 29.52-acre hydrologic restoration project known as Pine Lake Preserve (Lee County) (Robert M. Brown, ext 6283)

Robert Brown, Director, Environmental Resource Regulation, presented information on this agenda item.

Motion made by Charles Dauray, seconded by Michael Collins to Approve the following item(s): 38

Vote called. Voting yes: Charles Dauray, Michael Collins, Eric Buermann, Shannon Estenoz, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 40. CERP Coordination** - Approve Environmental Resource Permit Application 070404-15 for a conceptual modification and construction and operation of the backbone surface water management system to serve the 1060.52-acre agricultural ranquette project known as Sunlight Ranch (Martin County) (Robert M. Brown, ext 6283)

Robert Brown, Director, Environmental Resource Regulation, presented information on this agenda item.

Public Comment: Patrick Hayes, representing the Loxahatchee River Coalition, commented on water storage in the St. Lucie Estuary.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 40

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 41. 2007-1122** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an 8-month cooperative agreement with the Palm Beach County Water Utilities Department for the construction of the Lake Region Water Treatment Plant in the amount of \$1,500,000, for which dedicated funds (State Appropriations) are budgeted; providing an effective date. (Contract Number 4600001139) (Chip Merriam, ext. 6597)

Chip Merriam, Deputy Executive Director, Water Resources, presented information on the Lake Region Water Treatment Plant.

Motion made by Malcolm Wade, seconded by Melissa Meeker to Approve the following item(s): 41

Vote called. Voting yes: Malcolm Wade, Melissa Meeker, Eric Buermann, Michael Collins, Charles Dauray, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton. Motion passed.

- 42. Public Hearing Continued from October 11, 2007**

Adopt amendments to Rules 40E-2.091, 40E-2.301, 40E-2.321, 40E-2.331, 40E-2.381, 40E-20.011, 40E-20.091, 40E-20.301, 40E-20.302, 40E-20.321, 40E-20.331 and 40E-20.381, F.A.C., and the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", to address permitting criteria applicable within the Central Florida Coordination Area, and to update references to the Basis of Review. (Chip Merriam, ext. 6597)

Continue Public Hearing to December

Vice Chair Gutiérrez opened the public hearing.

Vice Chair Gutiérrez continued the public hearing until December 2007.

- 63.** Parklands Collier Permits (Item 8 Regulatory Consent Agenda-Page 3, No.7 WU application 061221-5 and Page 3, No.8 ERP application 060522-3) - Robert Brown

Robert Brown, Director, Environmental Resource Regulation, provided information on the Parklands Collier Environmental Resource and Consumptive Use permits.

Mr. Buermann requested Audubon of Florida's comments on these permits.

Julie Hill, Audubon of Florida, had concerns regarding the 300 acres of upland invasive plants on this site and raised questions about the quality of wetlands that were reviewed during the initial permit issued in 2003.

Ms. Estenoz asked about water discharges.

Mr. Brown provided additional information about the discharges and reported that there would be no additional wetland impacts associated with the proposed modification.

Ms. Estenoz commented on the District's Environmental Resource Permits and had concerns about discharges into impaired water bodies.

Ms. Wehle provided comment on statewide rules and the ability of being empowered at the local level to institute baseline-specific criteria.

There were two votes: The first vote was for the ERP permit (060522-3); the second vote was for the Consumptive Use permit (061221-5).

Motion made by Malcolm Wade, seconded by Michael Collins to Approve the following item(s): 63

Vote called for Item 8, Page 3, #8, Parklands Collier, Application #060522-3.

Vote called. Voting yes: Malcolm Wade, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton. Motion passed.

Motion made by Malcolm Wade, seconded by Harkley Thornton to Approve the following item(s): 63

Vote called for Item 8, Page 3, #7, Parklands Collier, Application #061221-5.

Vote called. Voting yes: Malcolm Wade, Harkley Thornton, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney. Motion passed.

Everglades Restoration Resources

43. 2007-1123 Open Public Hearing

A Resolution of the Governing Board of the South Florida Water Management District adopting an amendment to add the Caloosahatchee River Basin Water Quality Treatment and Testing Facility (Project), to be located in Glades County, to the SFWMD Florida Forever Work Plan, 2007 Annual Update in Chapter 6, Volume II of the South Florida Environmental Report; providing an effective date. (Ruth Clements, ext. 6271)

Close Public Hearing

Vice Chair Gutiérrez opened the public hearing.

Ruth Clements, Director, Land Acquisition and Management Department, provided information on this agenda item.

Vice-Chair Gutiérrez closed the public hearing.

Public Comment: Roland Ottolini, representing Lee County, thanked staff for addressing nutrient issues.

Mr. Dauray said this is a great partnership between Lee County and the South Florida Water Management District.

Motion made by Malcolm Wade, seconded by Charles Dauray to Approve the following item(s): 43

Vote called. Voting yes: Malcolm Wade, Charles Dauray, Eric Buermann, Michael Collins, Shannon Estenoz, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton. Motion passed.

- 44. 2007-1124** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Governing Board Chair to enter into a Memorandum of Agreement with Lee County under which the County will contribute \$10,000,000 to Land Acquisition for the District's Caloosahatchee River Basin Water Quality Treatment and Testing Facility, as revenue to the District, subject to Governing Board approval of a future budget amendment in FY08; providing an effective date. (Ruth Clements, ext. 6271)

Ruth Clements, Director, Land Acquisition and Management Department, provided information on this agenda item.

Public Comment: Roland Ottolini, representing Lee County, thanked the Board for bringing this project forward and for bringing up the issues of nutrients in the Caloosahatchee River Basin.

Motion made by Shannon Estenoz, seconded by Charles Dauray to Approve the following item(s): 44

Vote called. Voting yes: Shannon Estenoz, Charles Dauray, Eric Buermann, Michael Collins, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 45. 2007-1125** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2007-2008 Budget; providing an effective date. (Ruth Clements, ext. 6271)

Ruth Clements, Director, Land Acquisition & Management Department, presented information on this agenda item.

Motion made by Melissa Meeker, seconded by Shannon Estenoz to Approve the following item(s): 45

Vote called. Voting yes: Melissa Meeker, Shannon Estenoz, Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton. Not present: Michael Collins, Malcolm Wade. Motion passed.

- 46. 2007-1126** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 1770.55 acres, more or less, in Glades County, for the Caloosahatchee River Basin Water Quality Treatment and Testing Facility, in the amount of \$37,181,550 and associated costs for which dedicated funds (Save Our Everglades Trust Fund) and ad valorem funds are budgeted, and for which additional dedicated funds (Lee County) are available subject to a budget amendment; approve declaring surplus, disposal of, and removal from the asset records any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Ruth Clements, ext. 6271)

Ruth Clements, Director, Land Acquisition & Management Department, presented information on this agenda item.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 46

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 47. 2007-1127** A Resolution of the Governing Board of the South Florida Water Management District requesting release of funds from the Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 1770.55 acres, more or less, in Glades County, Florida, for the Caloosahatchee River Basin Water Quality Treatment and Testing Facility, in the amount of up to \$37,181,550, and associated costs; providing an effective date. (Ruth Clements, ext. 6271)

Ruth Clements, Director, Land Acquisition & Management Department, presented information on this agenda item.

Motion made by Shannon Estenoz, seconded by Charles Dauray to Approve the following item(s): 47

Vote called. Voting yes: Shannon Estenoz, Charles Dauray, Eric Buermann, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton. Not present: Michael Collins, Malcolm Wade. Motion passed.

- 48. 2007-1128** A Resolution of the Governing Board of the South Florida Water Management District to:

(1) Authorize entering into an Agreement for Sale and Purchase of land interests containing 256.94 acres, more or less, Palm Beach County, for the CERP Northern Palm Beach County - Part 1, in the amount of \$18,540,000 with Seller's option to exchange such interests for South Florida Water Management District lands containing 1,074.42 acres, more or less, in Martin County, and approve a budget transfer in the amount of \$4,093,462 of dedicated funds (Save Our Everglades Trust Fund) from CERP support to the North Palm Beach County - Part 1 CERP Project; The remainder of the funding is available subject to Governing Board approval of the FY2009, FY2010, FY2011, and FY2012 annual budgets, and

(2) Approve declaring as surplus said lands interests containing 1,074.42 acres, more or less, in Martin County, approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary with respect to the acquisition of the 256.94 acres in Palm Beach County; providing an effective date. (Ruth Clements, ext. 6271)

Ruth Clements, Director, Land Acquisition & Management Department, presented information on this agenda item.

Motion made by Melissa Meeker, seconded by Patrick Rooney to Approve the following item(s): 48

Vote called. Voting yes: Melissa Meeker, Patrick Rooney, Eric Buermann, Shannon Estenoz, Nicolás Gutiérrez, Harkley Thornton. Not present: Michael Collins, Charles Dauray, Malcolm Wade. Motion passed.

- 49. 2007-1129** A Resolution of the Governing Board of the South Florida Water Management District requesting release of funds from the Florida Forever Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 256.94 acres, more or less, in Palm Beach County, Florida, for the CERP Northern Palm Beach County - Part 1 Project, in the amount of up to \$18,540,000, and associated costs; providing an effective date. (Ruth Clements, ext. 6271)

Ruth Clements, Director, Land Acquisition & Management Department, presented information on this agenda item.

Motion made by Melissa Meeker, seconded by Shannon Estenoz to Approve the following item(s): 49

Vote called. Voting yes: Melissa Meeker, Shannon Estenoz, Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton. Not present: Michael Collins, Malcolm Wade. Motion passed.

- 50. 2007-1130** A Resolution of the Governing Board of the South Florida Water Management District requesting release of funds from the Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 256.94 acres, more or less, in Palm Beach County, Florida, for the CERP Northern Palm Beach County - Part 1 Project, in the amount of up to \$18,540,000, and associated costs; providing an effective date. (Ruth Clements, ext. 6271)

Ruth Clements, Director, Land Acquisition & Management Department, presented information on this agenda item.

Motion made by Melissa Meeker, seconded by Shannon Estenoz to Approve the following item(s): 50

Vote called. Voting yes: Melissa Meeker, Shannon Estenoz, Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Michael Collins. Motion passed.

Executive Office

- 28. 2007-1116** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one-year cooperative agreement with Palm Beach Community College for a Workforce Development Program and authorize a Waiver of Competition as an exception to the general standards of competition, in the amount of \$386,900 for which dedicated funds (Comprehensive Everglades Restoration Plan Fund) are budgeted; providing an effective date. (Contract Number 4600001148) (Kimberley Koptak, ext. 6163)

Ms. Meeker provided comment on the initiatives regarding this workforce development program.

Mr. Collins provided comment on the local workforce training and stated he wanted to continue this program.

Mr. Wade provided comment on the training within the local communities. He would like to continue the program.

Mr. Rooney said he would like to review this program.

Alvin Jackson, provided comment on the funding for workforce development program.

Mr. Collins modified the motion to approve this item but follow up with the sub-contractor and staff regarding issues discussed at the meeting.

Motion made by Michael Collins, seconded by Malcolm Wade to approve the following item(s) 28

Vote called. Vote yes: Michael Collins, Malcolm Wade, Nicolás Gutiérrez, Harley Thornton, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney. Motion passed.

- 29. 2007-1117** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract OT060210 / 3600001040 with the Education Center of Southwest Florida for a Workforce Development Program to retroactively extend the term by one year from November 3, 2007 to November 2, 2008 and authorize a Waiver of Competition as an exception to the general standards of competition, in the amount of \$400,000 for which dedicated funds (Comprehensive Everglades Restoration Plan Fund) are budgeted; providing an effective date. (Contract Number OT060210-A05 / 3600001040-A05) (Phil Flood, ext. 7768)

Public Comment: Norman Hughes, Education Center of Southwest Florida, reported on the contract and requested it be extended for another year.

Public Comment: Paul Neumeister representing Safety & Equipment School, commented on the Workforce Development Program and the training of his students.

Mr. Collins modified the motion to approve this item but follow up with the sub-contractor and staff regarding issues discussed at the meeting.

Motion made by Michael Collins, seconded by Malcolm Wade to approve the following item(s) 29

Vote called. Vote yes: Michael Collins, Malcolm Wade, Nicolás Gutiérrez, Harley Thornton, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney. Motion passed.

- 51. 2007-1131** A Resolution of the Governing Board of the South Florida Water Management District approving District staff to seek State Legislative appropriations for Community Budget Issues Requests during the 2008 Florida Legislative Session; providing an effective date. (Ernie Barnett, ext. 2110)

Ernie Barnett, Director, Office of Policy and Legislation, presented information on the Community Budget Issues Requests (CBIRs) during the 2008 Florida Legislation.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 51

Vote called. Voting yes: Michael Collins, Melissa Meeker, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Eric Buermann. Motion passed.

Operations and Maintenance

- 52. 2007-1132** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with two one-year renewal options with AMJ Environmental, a division of YSI Incorporated, one of the 3 lowest responsive and responsible bidders selected for Datalogger Recorder Maintenance Services at ground water and surface water monitoring sites throughout the District in the not-to-exceed amount of \$8,416,656, of which ad valorem funds in the amount of \$439,354.37 and dedicated funds (Big Cypress Basin), (Comprehensive Everglades Restoration Plan Fund) and (Water Management Land Trust Fund) in the amount of \$249,483 are budgeted; and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001123) (Garnett Ritchie, ext. 4616)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 52

Vote called. Voting yes: Melissa Meeker, Michael Collins, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Eric Buermann. Motion passed.

- 53. 2007-1133** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with two one-year renewal options with AEC Contracting Company Incorporated, one of the 3 lowest responsive and responsible bidders selected for Datalogger Recorder Maintenance Services at ground water and surface water monitoring sites throughout the District in the not-to-exceed amount of \$8,416,656, of which ad valorem funds in the amount of \$439,354.37 and dedicated funds (Big Cypress Basin), (Comprehensive Everglades Restoration Plan Fund) and (Water Management Land Trust Fund) in the amount of \$249,483 are budgeted; and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001124) (Garnett Ritchie, ext. 4616)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 53

Vote called. Voting yes: Melissa Meeker, Michael Collins, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Eric Buermann. Motion passed.

- 54. 2007-1134** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with two one-year renewal options with Champion Controls Incorporated, one of the 3 lowest responsive and responsible bidders selected for Datalogger Recorder Maintenance Services at ground water and surface water monitoring sites throughout the District in the not-to-exceed amount of \$8,416,656, of which ad valorem funds in the amount of \$439,354.37 and dedicated funds (Big Cypress Basin), (Comprehensive Everglades Restoration Plan Fund) and (Water Management Land Trust Fund) in the amount of \$249,483 are budgeted; and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001125) (Garnett Ritchie, ext. 4616)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 54

Vote called. Voting yes: Melissa Meeker, Michael Collins, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Eric Buermann. Motion passed.

- 55. 2007-1135** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000897 with Miami-Dade County for the Miami River Dredging Project in the amount of \$3,000,000, for which ad valorem funds are budgeted; providing an effective date. (Contract Number 3600000897-A03)(Evan Skornick, ext.7290)

Evan Skornick, Acting Director, Miami-Dade Service Center, provided information on this agenda item. This dredging project is part of the C-6 canal.

Motion made by Eric Buermann, seconded by Shannon Estenoz to Approve the following item(s): 55

Vote called. Voting yes: Eric Buermann, Shannon Estenoz, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Malcolm Wade. Not present: Michael Collins, Harkley Thornton. Motion passed.

- 56. 2007-1136** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 300 day contract with Expert Construction Managers Incorporated, the lowest responsive and responsible bidder, for construction of the Microwave Towers at S-129, S-131 and S-133 in the amount of \$1,988,000 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001141) (Greg Cantelo, ext. 6576)

No presentation was provided.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 56

Vote called. Voting yes: Michael Collins, Melissa Meeker, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Eric Buermann. Motion passed.

- 57. Public Comment**

Julie Hill, Audubon of Florida, provided comment of the algae blooms in Florida Bay. She provided photos of the algae blooms. She said this needs to be joint effort.

Mr. Collins provided Board comment on these algae blooms in Florida Bay and said there will be a local workshop to discuss this issue.

Public Comment: Debbie Harrison, World Wildlife Fund, thanked the Board for having their meeting in the Keys and for recognizing the plight of Florida Bay, and the importance for Southern Everglades Restoration.

Staff Reports

58. Office of Policy and Legislation Update - Ernie Barnett

Ernie Barnett, Office of Policy and Legislation, reported on the Special Session D and tax reform issues. Mr. Barnett reported on the upcoming budget year.

59. General Counsel Report - Sheryl Wood

Sheryl Wood, General Counsel, reported that an overview of Chapter 373 of the Florida Statute will be rescheduled for a future workshop.

Ms. Wood provided an oral report on the General Counsel Report.

60. Executive Director's Report - Carol Wehle

Tom Olliff, Assistant Executive Director, reported on the upcoming joint meeting with Palm Beach County Board of County Commissioners which will be held at the Palm Beach County Convention Center.

Ms. Estenoz requested information on the L-8 analysis in order to be prepared for this meeting.

61. Board Comment

There was no Board comment.

Adjournment

62. Adjourn

Vice Chair Gutiérrez adjourned the meeting at 2:10 pm.

Nicolás Gutiérrez
Vice-Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD